

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
IN ADMIRALTY

CASE NO.: 24-CV-21474-MOORE/Elfenbein

FAST RESPONSE MARINE TOWING
AND SALVAGE, LLC,
A Florida Corporation,

Plaintiff,

v.

MCL FUND INVESTMENTS, LLC, *in personam*,
and M/V AZZURRA, a 1999 AZIMUT, 58-foot,
a vessel bearing hull identification number
XAX580B3A999, her engines, tender, tackle,
furnishings and appurtenances, *in rem*,

Defendants.

/

**JOINT NOTICE OF COMPLIANCE WITH IN-PERSON MEDIATION
REQUIREMENT IN RESPONSE**

Plaintiff, FAST RESPONSE MARINE TOWING AND SALVAGE, and Defendants,
MCL FUND INVESTMENTS, LLC, *in personam*, and M/V AZZURRA, a 1999 AZIMUT, 58-
foot, a vessel bearing hull identification number XAX580B3A999, *in rem* (collectively the
“Parties”), by and through their respective undersigned counsel, hereby give notice of compliance
with this Court’s Paperless Order [E.C.F. No. 31], and state:

1. On July 20, 2024, the Court entered its Paperless Order of Referral to Mediation [E.C.F. No. 20] directing the Parties to conduct mediation no later than eighty (80) days before the trial date. The Order specifically mandated that: “The physical presence of counsel and each party with full authority to enter in a full and complete compromise and settlement is mandatory.”

McALPIN FLOREZ MARCOTTE, P. A.

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2. On October 16, 2024, the Parties filed a second Joint Motion for Enlargement of Time to File Notice of Scheduling Mediation and to Mediate [E.C.F. No. 30]. The Parties filed this Motion to ensure the Court's Order of timing and formatting for mediation was fully complied with.

3. The parties respectfully submit that on November 13, 2024, they complied with the Court's Order, specifically ensuring the requested physical presence of counsel and representative from each party full authority to enter into a full and complete compromise and settlement. Aside from mediator Elaine Feldman, those physically present at mediation included; Jacob Munch, Esq. and Charles Hansen (on behalf of Plaintiff) and Richard McAlpin, Esq., George Florez, Esq., and Revel Boulon, on behalf of MCL Fund Investment LLC and the M/V Azzurra. Mr. Henson (Plaintiff owner) and Mr. Boulon (Insurance company representative) were the specific individuals with full authority to enter into a full and complete compromise and settlement on behalf of the parties.

4. The day prior to the mediation, the parties were contacted by for the law firm of not involved in the subject matter. Counsel for said law affirm advised that he was 1st party insurance counsel for Defendants' insurer in a related but separate matter involving an insurance coverage issue, and he inquired as to whether the parties in this case had any objection to him appearing at mediation via Zoom to listen to opening presentations.

5. The parties did not object, believing that allowing covergar counsel to attend opening presentations could possibly assist in settling this matter. The coverage counsel's involvement in the mediation lasted no more than 30 minutes and he was not involved in settlement negotiations. However, given the fact that coverage counsel briefly joined via Zoom,

the mediator appears to have described the mediation as having been conducted partially remotely.

6. The parties respectfully submit that they fully complied with this Honorable Court's Order. Furthermore, the parties joint submit that they acknowledge and appreciated the value of the Court's time and resources. Accordingly, the parties take full responsibility for any misunderstanding and apologize.

Dated: December 5, 2024

Respectfully submitted,

By: Jacob J. Munch w/permission
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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 2024, the foregoing document was served this day on all counsel of record, via electronic mail to: *Counsel for Fast Response Marine Towing and Salvage*, Jacob Munch, Esq. (jakemunch@munchandmunch.com) and Catherine Saylor, Esq. (casey@munchandmunch.com), MUNCH and MUNCH, P.A., 600 S. Magnolia Ave. ste. 235, Tampa, FL, 33606.

By: /s/ George S. Florez
George S. Florez, Esq.